

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

TRADING PLACES INTERNATIONAL, LLC,     )  
   )  
   Plaintiff,     )  
   )  
   v.     ) Case No. 6:15-cv-03092-BP  
   )  
SUMMERWINDS RESORT SERVICES, LLC,     )  
ET AL.,     )  
   )  
   Defendants.     )

**DEFENDANTS’ MOTION TO DISMISS COUNT III OF  
PLAINTIFF’S FIRST AMENDED COMPLAINT FOR  
FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

COME NOW Defendants Summerwinds Resort Services, LLC, and Stormy Point Village – Phase III Property Owners Association, Inc., (collectively, “Defendants”) and, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, move the Court to enter an order dismissing Count III of Plaintiff’s First Amended Complaint (Tortious Interference Against Summerwinds) for failure to state a claim upon which relief can be granted. In support of their motion, Defendants incorporate by reference their contemporaneously filed Brief in Support.

WHEREFORE, Defendants Summerwinds Resort Services, LLC, and Stormy Point Village – Phase III Property Owners Association, Inc., pray the Court enter an order dismissing Count III of Plaintiff’s First Amended Complaint for failure to state a claim upon which relief can be granted, awarding Defendants their costs and attorneys’ fees herein incurred, and for such other and further relief as the Court deems just, equitable, and proper.

HUSCH BLACKWELL LLP

By: /s/ Christopher F. Weiss

Bryan O. Wade, #41939  
Christopher F. Weiss, #49314  
901 St. Louis St., Suite 1800  
Springfield, MO 65806  
Office: (417) 268-4000  
Fax No: (417) 268-4040  
[Bryan.wade@huschblackwell.com](mailto:Bryan.wade@huschblackwell.com)

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 28th day of August, 2015, by notification through the court's efilings system to:

James Meadows  
Joshua B. Christensen  
Lathrop & Gage, LLP  
910 East St. Louis Street, Suite 100  
Springfield, MO 65806  
[jmeadows@lathropgage.com](mailto:jmeadows@lathropgage.com)  
[jchristensen@lathropgage.com](mailto:jchristensen@lathropgage.com)

Joshua D. Neally  
205 Park Central East, Suite 501  
Springfield, MO 65806  
[Joshua@neallylaw.com](mailto:Joshua@neallylaw.com)

/s/ Christopher F. Weiss  
Christopher F. Weiss